

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 90.20(e)(6) of the)	WT Docket No. 01-97
Commission's Rules to revise the Authorized)	RM- 9798
Duty Cycle on 173.075 MHz)	

NOTICE OF PROPOSED RULEMAKING

Adopted: April 27, 2001

Released: May 7, 2001

Comment Date: [Thirty days after publication in the Federal Register]
Reply Comment Date: [Forty-five days after publication in the Federal Register]

By the Commission:

I. INTRODUCTION

1. This *Notice of Proposed Rulemaking (Notice)* seeks comment on a proposal to amend Section 90.20(e)(6) of the Commission's Rules¹ to revise the authorized duty cycle for stolen vehicle recovery system (SVRS) operations on 173.075 MHz. In its Petition for Rulemaking (Petition), LoJack Corporation (LoJack) proposes to add a duty cycle of 1800 milliseconds every 300 seconds, with a maximum of six messages in any thirty-minute period to the current duty cycle of 200 milliseconds every ten seconds.² Contemporaneous with the submission of the Petition, LoJack sought a waiver (Waiver Request) of Section 90.20(e)(6) of the Commission's Rules to allow it to use a duty cycle conforming to the above proposal.³ The Waiver Request was granted subject to the resolution of the Petition.⁴ We believe that this rule change could enhance police performance in the recovery of stolen vehicles and apprehension of individuals suspected of committing these thefts. Therefore, we are initiating this rulemaking proceeding proposing a modification of the authorized duty cycle for SVRS operations, and believe that the proposal furthers the public interest.

II. BACKGROUND

2. In 1989, the Commission allocated the frequency 173.075 MHz for stolen vehicle recovery systems, and established service rules for these systems.⁵ While the Commission recognized that some

¹ 47 C.F.R. § 90.20(e)(6).

² See LoJack Petition for Rulemaking, RM-9798 (filed Dec. 20, 1999) (Petition).

³ LoJack Request for Waiver (filed Dec. 20, 1999) (Waiver Request).

⁴ In the Matter of LoJack Corporation, Request for Waiver of Section 90.20(e)(6) of the Commission's Rules, *Order*, 15 FCC Rcd 18939 (WTB PSPWD 2000) (*Waiver Order*).

⁵ See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for Stolen Vehicle Recovery Systems, *Report and Order*, Gen. Docket No. 88-566, 4 FCC Rcd 7558, 7558 ¶ 1 (1989) (*SVRS Report and Order*).
(continued....)

potential for interference from SVRS base stations to broadcast operations on Television (TV) Channel 7 existed, it stated that this risk of interference could be made minimal.⁶ Thus, to minimize any possible difficulty, the Commission required an analysis of potential interference to TV Channel 7 viewers and the development of a plan to correct any interference.⁷

3. Pursuant to Section 90.20(e)(6) of the Commission's Rules, the frequency 173.075 MHz is available for SVRS operations on a shared basis with the Federal Government. SVRSs are limited to recovering stolen vehicles and are not authorized for general purpose vehicle tracking or monitoring. Tracking of suspected stolen vehicles prior to the filing of a stolen vehicle report is considered permissible under this rule.⁸ The rule limits mobile transmitters operating on 173.075 MHz to 2.5 watts power output and base transmitters to 300 watts. Duty cycle transmissions from mobile units are limited to 200 milliseconds every ten seconds, or 200 milliseconds every second when a vehicle is being tracked actively (the 200 milliseconds cycle).

4. Lojack operates a stolen vehicle recovery network with state and local police departments across the nation.⁹ It currently is the only company licensed for SVRS operations in the United States. LoJack's system is installed in more than a million vehicles and aids in tracking and recovery of these vehicles.¹⁰ It has assisted in the retrieval of tens of thousands of vehicles with an estimated total value of more than \$500,000,000.¹¹ With the initial 200 milliseconds cycle, vehicles are fitted with a transponder unit (TU) which is dormant until the vehicle owner reports it stolen.¹² Once the vehicle owner submits a

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Earlier, on March 10, 1986, experimental authority was granted to LoJack and the Massachusetts Department of Public Safety (Department) to operate and conduct a market test in Massachusetts of a stolen vehicle recovery system. Prior to that time, the Department had been operating this system experimentally under the auspices of the Federal Bureau of Investigation of the U.S. Department of Justice. On October 18, 1988, the Commission granted LoJack authority to expand its experiment to the state of Florida. See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for Stolen Vehicle Recovery Systems, *Notice of Proposed Rulemaking*, Gen. Docket No. 88-566, 3 FCC Rcd 7195 ¶ 2 (1988).

⁶ *SVRS Report and Order*, 4 FCC Rcd at 7560 ¶ 27.

⁷ This analysis of potential interference is required whenever an SVRS base station is located within 105 miles of a TV Channel 7 transmitter. Where interference is projected to more than 100 viewers at a particular site, the applicant must show that no other suitable location is available. In addition to the development of a plan to correct any interference, the applicant must indicate that adjustments to viewers' TV receivers will be made to correct any interference. *Id.* at 7560-61 ¶ 27. See 47 C.F.R. § 90.20(e)(6)(i),(ii),(iii).

⁸ On reconsideration, the Commission clarified certain aspects of the *SVRS Report and Order*. At that time, the Commission held that tracking prior to the filing of a police report is not general purpose vehicle tracking. See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for Stolen Vehicle Recovery Systems, Gen. Docket No. 88-566, *Memorandum Opinion and Order*, 6 FCC Rcd 622, 623, ¶ 10 (1991).

⁹ Petition at 1-2. LoJack systems are also in place in numerous foreign countries, such as the United Kingdom, Korea, China, Russia and Mexico.

¹⁰ *Id.* at 2.

¹¹ *Id.*

¹² *Id.*

stolen vehicle report to the police, the police send a message to a central law enforcement computer, which causes a network of radio base stations licensed to the police to broadcast a message that instructs the TU to begin transmitting a brief “tracking” message. Activation messages are transmitted by each base station every fifteen minutes for the first two hours, then once an hour thereafter until the vehicle is recovered or thirty days have passed, whichever is sooner. The tracking message contains a unique reply code that is received by tracking computers in police cars. Police identify the vehicle make, model and registration from the reply code and then track and recover the stolen vehicle.¹³

5. Under its waiver grant of August 28, 2000, LoJack has been permitted -- contingent on the outcome of this rulemaking proceeding -- to utilize a duty cycle of 1800 milliseconds every 300 seconds (the 1800 milliseconds cycle) in conjunction with its “Early Warning Detector” (EWD). When activated, the EWD will detect external movements of the vehicle or determine that the vehicle has been started without using a key (i.e., “hot-wired”). The EWD instructs the TU to send out an alert. The nearest base station will process and forward the message to the LoJack central control center, whereupon LoJack personnel will alert the car owner that the vehicle is possibly being stolen. This “uplink” transmission from the mobile unit to the base station is limited to six messages per mobile unit in any thirty-minute period¹⁴

III. DISCUSSION

6. Petition for Rulemaking. LoJack seeks amendment of Section 90.20(e)(6) of the Commission’s Rules in order to codify the 1800 milliseconds duty cycle.¹⁵ LoJack indicates that it needs this amendment because the current duty cycle limits the length of mobile unit transmissions to 200 milliseconds, but the “uplink” signal requires approximately 1800 milliseconds to transmit.¹⁶ The initial duty cycle limits were imposed more than a decade ago. LoJack asserts that new technology permits an early warning feature that minimizes lag time and thereby assists, among other things, in the recovery of the stolen vehicle.¹⁷ LoJack submits that in order to benefit from these technological advances, however, it must utilize the 1800 milliseconds cycle in addition to the 200 milliseconds cycle.¹⁸

¹³ *Id.*

¹⁴ *Waiver Order*, 15 FCC Rcd at 18942 ¶ 8.

¹⁵ The public was invited to comment on the Petition. *See Public Notice*, Report No. 2376 (Jan. 7, 2000). However, no responses were received by the Commission. Nevertheless, comments on the same proposal were submitted in response to the Waiver Request. *See Request for Waiver by LoJack Corporation to Permit Stolen Vehicle Recovery System Operation With Different Duty Cycle, Public Notice*, 15 FCC Rcd 15741 (WTB PSPWD 2000). A TV Channel 7 broadcaster, Cosmos Broadcasting Corporation (Cosmos), the only commenter in the waiver matter, initially opposed a waiver on the basis that the information provided by LoJack was insufficient to draw a reasonable conclusion about the impact of LoJack’s proposal on digital television (DTV) stations. After LoJack subsequently provided Cosmos with an engineering analysis that concluded that harm to DTV operations was unlikely to result from LoJack’s proposed operation, Cosmos withdrew its objection. *See Cosmos Broadcasting Corporation Further Comments* (filed May 30, 2000) at Attachment, Potential for Interference to DTV Reception from LoJack Transmissions, May 9, 2000; *Waiver Order*, 15 FCC Rcd at 18942 ¶ 7.

¹⁶ Petition at 4.

¹⁷ *Id.* at 5.

¹⁸ *Id.* at 1.

7. Use of a duty cycle of 1800 milliseconds permits the stolen vehicle recovery system to be activated by unauthorized movement, *i.e.*, use of the vehicle without the owner's permission to do so. LoJack submits that the mobile-to-base station "uplink" transmissions not only can be used to alert a control center and then the vehicle owner in order to effect a prompt police theft report, but can be used to acknowledge base station activation and deactivation messages.¹⁹ Because there is no "uplink" transmission in the current system, there is no way to determine when a mobile unit has been activated or deactivated. Consequently, base stations continue to transmit the activation/deactivation messages until the theft/recovery activity is complete. LoJack submits that the new "uplink" feature obviates the need for repetitive transmissions by high-powered base stations, reducing the actual transmitting time on the channel by as much as a factor of 100:1.²⁰ LoJack maintains that its proposal will (a) result in improved stolen vehicle recovery time; (b) increase stolen vehicle recovery rates; (c) make more efficient use of radio spectrum; and (d) reduce the potential for interference to television reception.²¹

8. Discussion. We believe the record warrants proposing amendment of Section 90.20(e)(6) of the Commission's Rules to reflect current technological advancements that will benefit law enforcement and vehicle owners. Until recently, the duty cycle provisions of this rule adequately met the needs of SVRS operations. However, this no longer appears to be the case. The current 200 milliseconds duty cycle is incompatible with a new innovative feature -- an early warning device -- of SVRS technology that can significantly benefit the public and the law enforcement community.²² According to LoJack, using the proposed 1800 milliseconds cycle, the lag time between when a vehicle is discovered stolen and when the theft is reported to the police can be greatly reduced.

9. It is the police report under either technology that triggers the active tracking of a stolen vehicle in the SVRS network. Therefore, the sooner a report is filed, the greater the chance of recovering the vehicle and apprehending the alleged thief. Under the current system, the stolen vehicle is not tracked until the vehicle owner discovers the theft and reports it to the police.²³ This may be hours or days after the theft. However, under LoJack's proposal, the mobile-to-base "uplink" transmissions are used to alert a control center whose personnel alert the owner that the vehicle has been stolen.²⁴ The owner is then able to immediately notify the police of the vehicle theft. By expediting the theft detection and reporting process, the "uplink" technology appears to greatly improve the chances for successful vehicle recovery and improves tracking efficiency.²⁵ We invite comment on the merits of the proposal, specifically the public interest and public safety benefits associated with revising the duty cycle to permit the use of this new technology.

¹⁹ *Id.* at 3.

²⁰ *Id.*

²¹ *Id.* at 5, 7.

²² *Id.* at 4.

²³ *Id.* at 2.

²⁴ *Id.* at 5.

²⁵ *Id.*

10. Based upon our review of LoJack's rulemaking petition, we believe that spectrum efficiency is an additional benefit of utilizing this new technology for recovering stolen vehicles. While the "uplink" transmission path incorporates the early warning feature, it also would be used to acknowledge base station activation and deactivation messages, thereby obviating the need for repetitive transmissions by high-powered base stations.²⁶ This result significantly reduces the number of base station transmissions required for each theft/recovery activity.²⁷ In practice, it would appear that the number of downlink transmissions are reduced from 889 to as few as nine.²⁸ Although the "uplink" transmission will be greater in length than the tracking signal, the "uplink" transmissions will be fewer in number than the tracking signal.²⁹ Specifically, "uplink" transmissions will occur once every 300 seconds with a maximum of six messages in any thirty-minute period, while the tracking signal occurs once every ten seconds – and once every second while a vehicle is tracked actively.³⁰ Viewing the proposal in its entirety, we believe that it would significantly reduce channel occupancy, and thereby promote spectrum efficiency.³¹ We ask commenters to address whether adoption of the proposal would advance efficient spectrum utilization.

11. To date, the only interference issue raised regarding the subject proposal is whether it would have a negative impact on DTV stations.³² The LoJack system transmits on a frequency of 173.075 MHz with an authorized bandwidth of 20 kHz. Therefore, interference to TV Channel 7 (174-180 MHz) reception is a concern.³³ An independent engineering analysis, provided by LoJack, concluded that harm to DTV operations is unlikely to result when DTV transmission replaces the current NTSC transmission standard.³⁴ The possibility of interference to TV Channel 7 is largely determined by power and proximity. As such, it is the base station sites operating with 300 watts effective radiated power (ERP), and not the 2.5 watt ERP transponder units, that are of greater consequence. Nonetheless, transmissions by mobile units are restricted in order to reduce the impact of any potential interference from mobile units to TV Channel 7 reception. More than a decade ago, the Commission felt that the 200 millisecond duty cycle struck a proper balance between the desire to reduce the interference impact on TV broadcasting and the

²⁶ *Id.* at 3.

²⁷ *Id.*

²⁸ *Id.* at 6.

²⁹ "Uplink" transmissions will be 1800 milliseconds. The tracking signal will remain at 200 milliseconds.

³⁰ *Waiver Order*, 15 FCC Rcd at 18941 ¶ 6.

³¹ The proposal does not envision either a change in frequency (175.075 MHz), or in power limits; the latter being 2.5 watts for mobile transmissions and 300 watts for base station transmissions. *See* 47 C.F.R. § 90.20(e)(6).

³² The interference concern was raised by Cosmos in the waiver proceeding. Upon the submission to Cosmos of the engineering analysis, Cosmos withdrew its opposition to the grant of LoJack's waiver request. *See supra* note 17.

³³ *SVRS Report and Order*, 4 FCC Rcd at 7560-61 ¶¶ 19-28.

³⁴ The engineering analysis by Carl T. Jones, Jr., P.E., done on behalf of LoJack, was filed by Cosmos as an attachment to its Further Comments. *See supra* note 15.

need for more frequency transmissions when actively tracking a vehicle.³⁵ In this proceeding, LoJack is requesting an increase in the duty cycle in order to permit the “uplink” signal. LoJack is not proposing to increase the length or the duty cycle of the tracking signal. LoJack simply seeks to amend the duty cycle requirements to allow it to transmit the “uplink” signal, once every 300 seconds, in addition to the tracking signal. The “uplink” signal will be limited to six transmissions in any thirty minutes. Therefore, instituting the 1800 millisecond duty cycle will not significantly increase the number of mobile transmissions. Consequently, we tentatively conclude that the possibility of interference from mobile units to TV Channel 7 will not significantly increase. Conversely, the number of base station transmissions needed for a typical stolen vehicle recovery sequence will be greatly reduced. Therefore, we tentatively conclude that the proposal will likely reduce the possibility of harmful interference to DTV and TV Channel 7 reception. Nevertheless, we invite commenters to address any concerns regarding interference to digital, as well as analog, broadcast operations on TV Channel 7. We particularly seek comment regarding any interference experienced as a result of LoJack’s modified operations under the current waiver.

12. In addition to proposing to modify the duty cycle rule as requested by LoJack, we invite comment on whether the public interest continues to be served by specification of the relevant duty cycles in our Rules. In establishing service rules for SVRS operations, the Commission set a duty cycle for mobile units in order to reduce the interference impact on TV broadcast Channel 7 operations,³⁶ and set a duty cycle for base stations so that multiple SVRS licensees would be able to share the single frequency (173.075 MHz) that is available.³⁷ We seek comment on whether these concerns continue to merit specifying duty cycles, in whole or in part, or whether it is now appropriate to develop a rule permitting greater technical flexibility.³⁸ Would elimination of a specified duty cycle for mobiles cause harmful interference to TV Channel 7 reception? Would removal of a duty cycle for base stations prevent competitive SVRS operations from commencing? In addition, would spectrum efficiency be impaired without specified duty cycles? Commenters favoring removal of duty cycle limits also should explain the possible effect on the sharing of 173.075 MHz by the Federal Government, given that this is a shared frequency. Finally, we ask interested parties to address the question of what specific benefits could accrue from elimination of duty cycles for mobile and base transmitters.

13. In summary, we believe that the public interest will be served by permitting the incorporation of an early warning feature in SVRSs. Therefore, in this Notice, we are proposing to amend

³⁵ *SVRS Report and Order*, 4 FCC Rcd at 7561 ¶¶ 32-34

³⁶ *Id.* at 7561 ¶ 34.

³⁷ *Id.* at 7561 ¶ 35. Section 90.20(e)(6) of the Commission’s Rules permits competitive systems to be accommodated through time sharing of the frequency. Two separate licensees can operate base stations in the same geographical area by coordinating the timing of their base station transmissions. Coordination of the timing of transmissions can be accomplished informally between licensees. However, no coordination is needed between mobiles of multiple SVRSs because the powers are so low that interference is unlikely.

³⁸ For example, the Commission has eliminated the duty cycle rule for the 218-219 MHz service. The basis for this action was the ability of licensees to design their system to operate in a cycle that will not cause television interference, or their capability to operate equipment that is sufficiently removed from television receivers to prevent interference. *See* Amendment of Part 95 of the Commission’s Rules to Provide Regulatory Flexibility in the 218-219 MHz Service, *Report and Order and Memorandum Opinion and Order*, WT Docket No. 98-169, 15 FCC Rcd 1497, 1551 ¶ 101 (1999).

Section 90.20(e)(6) of the Commission's Rules to add a duty cycle of 1800 milliseconds every 300 seconds, with a maximum of six messages in any thirty-minute period, when the system is activated by unauthorized movement. This proposed rule change will facilitate more efficient law enforcement, a decrease in the time lag in the notification of a stolen vehicle, greater stolen vehicle recovery rates, and a greater rate of apprehension of criminals. In this rulemaking proceeding, we also invite comment on whether eliminating specified duty cycles would serve the public interest.

V. PROCEDURAL MATTERS

14. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act (RFA) of 1980,³⁹ we have prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed by this Notice of Proposed Rule Making. The IRFA is set forth in Appendix A. We request written public comment on the IRFA. Comments must be filed in accordance with the same filing deadlines as comments filed in this rulemaking proceeding. They must have a separate and distinct heading designating them as responses to the IRFA. The Consumer Information Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rulemaking, including the IRFA, to the Chief Counsel of the Small Business Administration, in accordance with the Regulatory Flexibility Act.

15. *Paperwork Reduction Analysis.* This Notice of Proposed Rulemaking does not contain either a proposed or modified information collection.

16. *Ex Parte Rules Presentations.* This is a permit-but-disclose notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's Rules. *See generally* 47 C.F.R. §§ 1.1202, 1.1203, 1.1206(a).

17. *Alternative formats.* Alternative formats (computer diskette, large print, audio cassette, and Braille) are available from Brian Millin at (202) 418-7426, TTY (202) 418-7365, or at <bmillin@fcc.gov>. This Notice of Proposed Rulemaking can also be downloaded at <<http://www.fcc.gov/df>>.

18. *Comment Dates.* Pursuant to Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before [30 days after publication in the Federal Register], and reply comments on or before [45 days after publication in the Federal Register]. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁴⁰

19. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service

³⁹ See 5 U.S.C. § 603.

⁴⁰ See Electronic Filing of Documents in Rulemaking Proceedings, *Memorandum Opinion and Order*, 13 FCC Rcd 11322 (1998).

mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <ecfs@fcc.gov>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

20. Parties who chose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, federal Communications Commission, 445 12th street, S.W., Room TW-A325, Washington, D.C. 20554.

VI. ORDERING CLAUSES

21. IT IS ORDERED that, pursuant to Sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 303(r), NOTICE IS HEREBY GIVEN of proposed amendment to Section 90.20(e)(6) of the Commission's Rules, 47 C.F.R. § 90.20(e)(6), as described above.

22. IT IS FURTHER ORDERED that the Petition for Rulemaking, RM-9798, submitted by the Lojack Corporation on December 20, 1999 IS GRANTED to the extent indicated herein.

23. IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

24. For further information, contact Freda Lippert Thyden, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0627, TTY (202) 418-7233, or via e-mail at <fthyden@fcc.gov>.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

Attachments: Appendices

APPENDIX A

INITIAL REGULATORY FLEXIBILITY ANALYSIS

As required by the Regulatory Flexibility Act (RFA),⁴¹ the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this Notice of Proposed Rulemaking (Notice). Written public comments are requested regarding this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice provided in the item. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.⁴² In addition, the Notice and IRFA (or summaries thereof) will be published in the Federal Register.⁴³

A. Need for, and Objectives of, the Proposed Rules

In the Notice, we propose to change the duty cycle for mobile transmissions in stolen vehicle recovery systems contained in 47 CFR § 90.20(e)(6) to 1800 milliseconds every three hundred seconds to permit use of new technology. Such modification would be in the public interest because it would enhance the efficient use of spectrum and permit greater efficiency in use of police resources to track and recover stolen vehicles and apprehend more individuals involved in such activities.

B. Legal Basis

Authority for issuance of this item is contained in Sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁴⁴ The RFA defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small business concern” under Section 3 of the Small Business Act.⁴⁵ A small business concern is one that: (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) satisfies any additional criteria established by the Small Business Administration.⁴⁶ Nationwide, as of 1992, there

⁴¹ See 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

⁴² *See* 5 U.S.C. § 603(a).

⁴³ *See id.*

⁴⁴ 5 U.S.C. § 603(b)(3).

⁴⁵ *Id.* § 601(b)(3).

⁴⁶ *Id.* § 632.

were approximately 275,801 small organizations.⁴⁷ “Small governmental jurisdiction” generally means “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.”⁴⁸

This proposal will provide marketing opportunities for radio manufacturers, some of which may be small businesses. Beyond this we are unable to quantify the potential effects on small entities. We, therefore, invite specific comments on this point by interested parties.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

The Notice solicits comments that will not entail reporting, recordkeeping, and/or third-party consultation.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. §603.

As an alternative to modification of the subject rule, the Commission invited public comment on elimination of that rule, *i.e.*, specified duty cycles for mobile and base transmitters.

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements: and will not increase or decrease burden hours imposed on the public.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

None.

⁴⁷ 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

⁴⁸ 5 U.S.C. § 601(5).

APPENDIX B**PROPOSED RULES**

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(g), 303(r), and 332(c)(7).

2. Section 90.20 is proposed to be amended by revising paragraph (e)(6) to read as follows:

§ 90.20 Public Safety Pool

* * * * *

(e) * * *

(6) The frequency 173.075 MHz is available for stolen vehicle recovery systems on a shared basis with the Federal Government. Stolen vehicle recovery systems are limited to recovering stolen vehicles and are not authorized for general purpose vehicle tracking or monitoring. Mobile transmitters operating on this frequency are limited to 2.5 watts power output and base transmitters are limited to 300 watts ERP. F1D and F2D emissions may be used within a maximum authorized 20 kHz bandwidth. Transmissions from mobiles shall be limited to either 200 milliseconds every 10 seconds or 1800 milliseconds every 300 seconds, except that when a vehicle is being tracked actively, the transmissions under either duty cycle may be increased to 200 milliseconds every second. Applications for base stations operating on this frequency shall require coordination with the Federal Government. Applicants shall perform an analysis for each base station located within 169 km (105 miles) of a TV channel 7 transmitter of potential interference to TV channel 7 viewers. Such stations will be authorized if the applicant has limited the interference contour to fewer than 100 residences or if the applicant:

* * * * *